

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE	)	CASE NO. 17-17361
	)	
RICHARD M. OSBORNE,	)	CHAPTER 11
	)	
DEBTOR	)	JUDGE ARTHUR I. HARRIS

**MOTION FOR AN ORDER DIRECTING LAKE COUNTY TITLE, LLC TO APPEAR  
FOR EXAMINATION PURSUANT TO RULE 2004(a) OF  
THE FEDERAL RULES OF BANKRUPTCY PROCEDURE**

Now comes creditor Chicago Title Insurance Company (“Chicago Title”), through undersigned counsel, and hereby states that Chicago Title needs to obtain information and documents from Lake County Title, LLC (“Lake County Title”) concerning transactions that Lake County Title has handled that have involved the Debtor and/or any of the Debtor’s entities in any way; and that Chicago Title is entitled to review such information and documents.

In support of this Motion, Chicago Title states as follows:

1. The Movant, Chicago Title, is one of the largest creditors in the within bankruptcy case, with claims in excess of \$6.9 million.
2. Lake County Title has handled numerous transactions involving the Debtor before and after the commencement of this bankruptcy action.
3. The Movant believes that Lake County Title has handled numerous transactions involving the Debtor liquidating assets in entities that Debtor owns since the Debtor filed bankruptcy.
4. The Movant believes that the Debtor may have an interest in Lake County Title, and if so, such interest has not been disclosed in Debtor’s Bankruptcy Schedules.

5. The Debtor has unilaterally allocated \$300,000.00 to the mineral interests in the property that he proposes to sell on Concord-Hambden Road, when the Debtor or one of the Debtor's entities received \$50,000 for releasing mineral interests in much more valuable property on Tyler Boulevard in Mentor in a transaction that was handled by Lake County Title.

6. Through transactions handled by Lake County Title, the Debtor may have received funds from his liquidation of assets held by multiple entities that Debtor owns and controls, and those receipts have not been disclosed in this bankruptcy case or paid into the bankruptcy estate.

WHEREFORE, Chicago Title prays that Lake County Title be ordered to appear for examination pursuant to the provisions of Rule 2004(a) of the Federal Rules of Bankruptcy Procedure and provide the following:

(1) Information and/or documentation concerning transactions Lake County Title has handled that have in any way involved the Debtor, Richard M. Osborne, since December 17, 2017.

(2) Information and/or documentation concerning transactions Lake County Title has handled that have in any way involved any entity in which the Debtor has an interest, including but not necessarily limited to the entities listed in Debtor's Bankruptcy Schedules and/or Amended Bankruptcy Schedules since December 17, 2017.

(3) Any and all information and/or documentation concerning any interest the Debtor, Richard M. Osborne, has in Lake County Title.

(4) Any information and/or documentation regarding money, compensation, profits, proceeds, and/or remuneration paid to the Debtor, Richard M. Osborne, since December 17, 2017.

(5) Information and/or documentation concerning any funds paid, remitted, and/or tendered to any entity in which the Debtor, Richard M. Osborne, has an interest, including but not

necessarily limited to the entities listed in Debtor's Bankruptcy Schedules and/or Amended Bankruptcy Schedules, since December 17, 2017.

WHEREFORE, the Movant respectfully requests that the above documents be produced to the Office of Michael J. Sikora III, at Sikora Law LLC, 737 Bolivar Road, Suite 270, Cleveland, Ohio 44115 by no later than June 27, 2018; and for the examination of an Officer of Lake County Title with knowledge of the above matters to take place on July 6, 2018 at 10:00 a.m. at the above location; and for an order from this Court for the production of those documents and for a Rule 2004 Examination.

Respectfully submitted,

KOEHLER FITZGERALD LLC

/s/ Robert D. Barr

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Co-counsel for Chicago Title Insurance  
Company

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of *Motion for an Order to Appear for Examination of Lake County Title, LLC Pursuant to Rule 2004(a) of the Federal Rules of Bankruptcy Procedure* was served on June 1, 2018, as follows:

**Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:**

Adam S. Baker, on behalf of Michael E. Osborne, Sr., at [abakerlaw@sbcglobal.net](mailto:abakerlaw@sbcglobal.net)

Robert D. Barr, Attorney for Chicago Title Insurance Company, at [rbarr@koehler.law](mailto:rbarr@koehler.law)

Michael J. Sikora, III, Attorney for Chicago Title Insurance Company, at [msikora@sikoralaw.com](mailto:msikora@sikoralaw.com)

Michael S. Tucker, Attorney for Citizens Bank, N.A., at [mtucker@ulmer.com](mailto:mtucker@ulmer.com)

Christopher J. Klym, Attorney for Ohio Department of Taxation, at [bk@hhkwlaw.com](mailto:bk@hhkwlaw.com)

Matthew H. Matheney, Attorney for First National Bank of Pennsylvania, at [mmatheney@bdblawn.com](mailto:mmatheney@bdblawn.com)

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Frederic P. Schwieg, Attorney for Richard M. Osborne, at [fschwieg@schwieglawn.com](mailto:fschwieg@schwieglawn.com)

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Andrew M. Tomko, Attorney for Tax Ease Ohio, LLC, at [atomko@sandhu-law.com](mailto:atomko@sandhu-law.com)

**AND, by regular U.S. mail, postage prepaid, to the following:**

Richard M. Osborne  
7265 Markell Road  
Waite Hill, Ohio 44094

Lake County Title, LLC  
Attention: Thomas R. Flenner, President  
306 High Street  
Fairport Harbor, Ohio 44077

/s/ Robert D. Barr  
Robert D. Barr (0067121)  
Co-Counsel for Chicago Title Insurance Company